

Prob 12B  
(rev. 09/21)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Shane Smith

Case Number: 0206 1:21CR00117-001

Name of Sentencing Judicial Officer: Honorable Mae A. D'Agostino, U.S. District Judge

Date of Original Sentence: September 6, 2016

Original Offense: Possession of Ammunition by a Prohibited Person; Unlawful Possession of Short Barreled Rifles

Original Sentence: 33 Months Imprisonment (Concurrent), 3 Years Supervised Release (Concurrent)

Type of Supervision: Supervised Release

Date Supervision Commenced: August 27, 2024

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for Term Extension years, for a total of Total Term years.
- ☒ To modify the conditions of supervision as follows:

**ADD:**

1. You must provide the probation officer with access to any requested financial information.
2. You must submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

**CAUSE**

A condition for search with reasonable suspicion enables the probation officer to satisfy the statutory requirements to keep informed as to the conduct and condition of the defendant; report the defendant's conduct and condition to the sentencing court; and aid the defendant to bring about improvements in their conduct and condition, pursuant to 18 U.S.C. §§ 3603(2)-(3). Additionally, a search condition is necessary based upon the

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defendant's involvement with weapons possession in the underlying offense, the defendant's possession of weapons while on his previous term of supervised release, and to ensure compliance with the other conditions of supervision.

A condition for financial disclosure will help the probation officer deter, and detect economic crimes, verify, and monitor employment, or assist disorganized, impulsive defendants to gain control of their financial situation. Further, the defendant has a criminal history that includes Possession of Burglar Tools, and weapons possession to include his efforts to purchase and trade firearms and ammunition, and such condition may deter similar conduct in the future.

The defendant is agreeable with these modifications and has signed attached Probation Form 49, Waiver of Hearing to Modify Conditions. These conditions are being recommended by the U.S. Probation Office in consideration of the defendant's instant offense conduct and their personal characteristics. Additionally, they serve the statutory sentencing purposes of deterrence, public protection, and rehabilitation, pursuant to 18 U.S.C. §§ 3553(a)(2)(B)-(D).

Approved by:



Dan Casullo  
Supervisory U.S. Probation Officer  
Executed on: November 21, 2024

Submitted by:



Kanni Barnes  
U.S. Probation Officer

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### THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

November 22, 2024

Date

PROB 49  
(Rev. 6/10)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**Waiver of Hearing to Modify Conditions  
or Extend Term of Supervision**

I, Shane Smith have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I agree to the following modification of my conditions or to the proposed extension of my term of supervision.

**ADD:**

1. You must provide the probation officer with access to any requested financial information.
2. You must submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by you. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.

Witness:

  
U.S. Probation Officer

Signed:

  
Client

November 21, 2024

Date